

CARL WILLIAMS, JR., MAYOR
JOHN HAMILTON, JR., DEPUTY MAYOR
ALAN FEIT, CITY MANAGER

EX PARTE OR LATE FILED



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City of Asbury Park

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PUBLIC SERVICE DIV.
OMD-FIRS

EX PARTE OR LATE FILED December 6, 1996

Federal Communications Commission
1919 M Street
Washington, DC 20554

Dear Sirs:

I have received the enclosed letter from the Frederick Douglas Apartments Tenants' Association. Would you kindly review this matter and advise us what actions can be taken.

Thanking you, I am

Sincerely,

Alan Feit
City Manager

AF:bd

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List ABCDE

Frederick Douglas Apartments
Tenant Association
* John W. Wilson
162 Prospect Avenue, Apartment 38
Asbury Park, NJ 07712
November 29, 1996

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DEC 9 1996

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Mayor Carl Williams and City Council Representatives
Municipal Building
1 Municipal Plaza
Asbury Park, NJ 07712

Dear Mayor Williams and City Council:

Subject: Frederick Douglas Apartments, Project #031-32012, Asbury Park, NJ 07712, Access To Free Radio Signal Frequency over Airways under the "Telecommunications Act of 1996"

1. The tenants of the Frederick Douglas Apartments are communicating to you for (YOUR) assistance in making the "Telecommunications Act of 1996" a reality at this project. We stand to benefit like all other Americans from this legislation. Most importantly, the children will be the chief benefactors since the law provides for access to the reception of "free" over the airways radio frequency signals that will bring educational material and programs to children.
2. The problem here at Frederick Douglas Apartments is that all of the Tenants do not have access (that is, signals made available in the Tenants living area to a wall outlet or jack) to "free" radio frequency (RF) signals over the airways. This specifically applies to access (reception) to free Amplitude Modulated (AM) radio, Frequency Modulated (FM) radio, Ultra High Frequency (UHF) Television, and Very High Frequency (VHF) Television signals.
3. Tenants of Frederick Douglas have been denied access to over the air radio and TV reception by Management/Owner of the Apartments. HUD, in their reply to a tenant letter that requested that external antennas be restored (they were destroyed in the Storm of 1992) at the project, was that having such was an "amenity". In addition, your code enforcement office was contacted, and did not required the restoration of the external antenna.

REC

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PUBLIC SERVICE DIV.
OMD-FIRS

Subject: Frederick Douglas Apartments, Project #031-32012, Asbury Park, NJ 07712, Access To "Free Radio Frequency" over Airways under the "Telecommunications Act of 1996"

4. In regard to the Telecommunications law, the essentials of a report in USA TODAY newspaper dated August 7, 1996 was that the FCC adopted regulations, which stem from the Telecommunications law, to prohibit local laws that could inhibit TV reception. Further, the FCC rules allow local governments to impose regulations that do not hinder reception or are designed to promote public safety and historic districts.

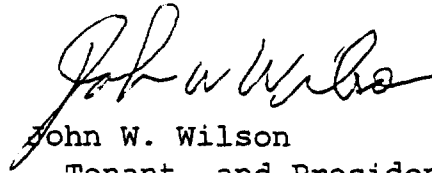
5. On Aug 8, 1996, the Chairman of the FCC (Mr. Reed Hundt) was interviewed on PBS television. He spoke of "Free Over The Air" access to the public as a result of the newly enacted Tel Communications Act of 1996. He talked about Kids TV programming, and 3 hours per week of this programming type being available. He stated that the 3 hours was a modest number...and let's get going with it. During the interview on the McNeil-Lair PBS program it was discussed that there was plenty of sports and plenty of entertainment. Further points were made to emphasize "Do Something To Help Teach Kids".

6. Without being able to receive Over-the-Air radio signals that would be brought into the Tenant apartment, by an external installed antenna, the Tenants of the project are denied access to broadcast transmissions of the Emergency Alert System (EAS) that would provide instructions in case of a disaster. The lack of having the external installed antennas to bring disaster instructions does not promote public safety.

7. The Tenants request your actions to get the external antenna system operational at the Project. A review and reversal of the past decision by your Code Enforcement Office is recommended. The Tenants believe that under the enacted Telecommunications Law sufficient reasons, cited in this letter and in the law, exists for your office/Code Enforcement Office to require Management/Owner to install external antennas that will bring "free" signals (TV and Radio) into the Tenants living area to a wall outlet or jack).

Subject: Frederick Douglas Apartments, Project #031-32012, Asbury Park, NJ 07712, Access To "Free Radio Frequency" over Airways under the "Telecommunications Act of 1996"

8. Please provide correspondence regarding this subject to the Tenant Association at the above address. Your timely actions are appreciated.

A handwritten signature in cursive script, appearing to read "John W. Wilson".

John W. Wilson
Tenant, and President
Frederick Douglas Apartments
Tenant Association